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EXAMINER

HEWITT II, CALVIN L

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/747,666
Filing Date: December 22, 2000
Appellant(s): ROLLINS ET AL.

MAILED

SEP 07 2004

GROUP 3600

Rick A. Toering, 43,195
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 21 June 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1 and 18, claims 3-9, 20-26, 36 and 37, claims 2 and 19, claims 10 and 27 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,029,141	BEZOS et al.	2-2000
6,532,492	PRESLER-MARSHALL	3-2003

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 1, 3-10, 18, 20-27, and 35-37 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bezos et al., U.S. Patent No. 6,029,141.

As per claims 1, 3-9, 18, 20-26, 36 and 37, Bezos et al. teach a method for modifying an address in a communications network comprising: receiving, at an intermediary, a request for an object that is associated with a server (figure 1), generating at the intermediary, a combined address that identifies both an intermediary address associated with the intermediary and an object address that is determined based on the request (figures 6 and 10a) and determining whether the combined address satisfies a particular condition (figures 6 and 10a). Bezos et al. also teach substituting at least a portion of the combined address (figures 6 and 10a) with one or more address identifiers to create a modified combined address (figures 8 and 10b) that satisfies a particular condition, generating, at the

intermediary, a modified request that is based upon the request and that includes the modified combined address and sending the modified request to the server (figures 8 and 10b). Bezos et al. also teach:

- substituting at least one address identifier for the intermediary address and the object address (figures 5, 6 and 8)
- selecting address identifiers based upon at least one attribute of the object (e.g. request for the object) (figures 5, 6 and 8)
- selecting the one or more address identifiers based upon an attribute of the server (figures 5, 6, and 8)
- transactions between a customer, a merchant associated with a server and an intermediary (figure 1)

As per claims 10 and 27, Bezos et al. teach a modified combined address, including one or more address identifiers that represents at least a portion of the combined address and satisfies a particular condition, and is based on a combined address that doesn't satisfy a particular condition (figure 4). Bezos et al. also teach interpreting the one or more address identifiers based on a mapping between the one or more address identifiers and the portion of the combined address that is represented by the one or more address identifiers (figure 4).

As per claim 35, Bezos et al. teach an electronic commerce system comprising a server and an intermediary that generates in response to an

intermediary request for a server associated object, wherein the modified request is based on the request and includes a modified combined address, wherein the modified combined address satisfies a particular condition by including one or more address identifiers that are substituted for at least a portion of a combined address, wherein the combined address identifies both an intermediary address associated with the intermediary and an object address that is determined based on the request, and wherein the combined address does not satisfy the particular condition (figures 1, 2, and 4-9).

Claim Rejections - 35 USC § 103

Claims 2 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al., U.S. Patent No. 6,029,141 in view of Presler-Marshall, U.S. Patent No. 6,532,492.

As per claims 2 and 19, Bezos et al. teach a method for modifying an address in a communications network comprising: receiving, at an intermediary, a request for an object that is associated with a server, generating at the intermediary, a combined address that identifies both an intermediary address associated with the intermediary and an object address that is determined based on the request and determining whether the combined address satisfies a particular condition (abstract; figures 1, 2, 4, 5, and 10a-b). However, Bezos et al.

do not explicitly recite combined addresses satisfying particular size criteria.

Presler-Marshall teaches addresses satisfying a condition if the address does not exceed a particular size (abstract; figure 3; column/line 3/30-4/24; column 10, lines 14-42). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Bezos et al. and Presler-Marshall in order to improve system performance by only caching hashes of web addresses ('141, figure 4) that are smaller in length than the actual address ('492, abstract).

(11) Response to Argument

Initially, the Examiner would like to clarify the matter regarding “conditional language”. The Examiner and the Appellant’s representatives agreed on the use of the language “when” in order for the claims to read in “non-conditionally”. Hence, the Examiner did not regard claim 1 as containing optional or non-conditional language once the term “if” was replaced with “when”.

102(e) Rejection- Bezos et al. (Claims 1-9, 20-26, and 35-37)

The Appellant has attempted to group the claims such that each of the independent claims has its own group. However, the features that the Appellant asserts are not found in the prior art are recited in claim 1. Therefore, by directing the Examiner's Answer to claim 1, the Examiner will have addressed the Appellant's arguments. Further, by directing the Examiner's response to claim 1 and therefore,

necessarily claims 36 and 37, the Examiner has also addressed claims 3-9 and 20-26, as claims 36 and 37 are the broadest claims in the groupings, claims 36 and 3-9, and 37 and 20-26.

The Appellant is of the opinion that the prior art of Bezos et al. do not specifically recite: "determining whether a combined address satisfies a particular condition", "substituting a portion of the combined address when the combined address does not satisfy the particular condition" and "substituting at least a portion of the combined address with one or more address identifiers to create a modified combined address, wherein the modified combined address satisfies the particular condition".

Bezos et al. provide an explicit teaching of connecting computers via "hyperlinking" and "hypertext" ('141, column 4, lines 40-50). Using these techniques a user can navigate from website to website, where website is defined by a web-address such as a URL ('141, column 5, lines 47-54). Bezos et al. teach *determining whether a combined address satisfies a particular condition* as the initial website that is displayed to user ('141, figure 6; column 11, lines 43-61) does not satisfy the user's desired condition of allowing a user to purchase a Book ('141, figures 5 and 8; column 12, lines 14-51). Bezos et al. teach *substituting a portion of the combined address when the combined address does not satisfy the particular condition*. Specifically, when the user starts out the user is at an Associate website ('141, figures 5-7; column 11, lines 43-61) which is defined by a combined address (protocol://machine address:port/path/filename-'141, column 5, lines 45-55). When the user wants to order the book the user clicks on

the hyperlink ('141, figure 6, items 600 and 608) which takes the user from the intermediary website to the merchant website thus substituting a portion (or perhaps all) of the intermediary URL ('141, figures 6 and 7) with the merchant's ('141, figure 8) thus creating a *modified combined address satisfies the particular condition*, the condition being allowing the user to purchase the book ('141, figure 6, items 600 and 608; column 12, lines 41-51).

102(e) Rejection- Bezos et al. (Claims 10 and 27)

The Appellant is of the opinion that the prior art of Bezos et al. do not specifically recite: "receiving a modified combined address, wherein the modified combined address is based on a combined address that does not satisfy a particular condition".

When the user is taken from the intermediary website or URL ('141, figures 5 and 6) to the merchant's website or URL ('141, figures 5 and 8) the user is receiving a *modified combined address, wherein the modified combined address is based on a combined address that does not satisfy a particular condition* where the condition that is not satisfied by the combined address is the ability to purchase the book. Note the modified combined address also contains address identifiers that "represent" at least a portion of the combined address. For example, the modified address comprises the intermediary URL/website, the book found at the combined address (i.e. intermediary URL/website) and a commission for the intermediary ('141, figure 8, items 800, 802, 804, 806 and 808; column 15, lines 5-16).

102(e) Rejection- Bezos et al. (Claim 35)

The Appellant is of the opinion that the prior art of Bezos et al. do not specifically recite "an intermediary that generates a modified request... wherein the modified request... includes a modified combined address wherein the modified combined address satisfies a particular condition and wherein the combined address does not satisfy the particular condition".

By clicking on the hyperlink ('141, figure 6, items 600 and 608) the intermediary generates a modified request, wherein the modified request includes *a modified combined address wherein the modified combined address satisfies a particular condition and wherein the combined address does not satisfy the particular condition* . The condition being the ability to purchase a book, this is exemplified by the user's browser going from the intermediary URL/website ('141, figure 6) to the merchant's URL/website ('141, figure 8).

103 Rejection- Bezos et al. in view of Pressler-Marshall (Claims 2 and 19)

The Appellant is of the opinion that the combined prior art of Bezos et al. and Pressler-Marshall do not specifically recite a determination whether an address meets a certain criteria. Specifically, the Appellant is of the opinion that the prior art does not support the Examiner's contention that the Pressler-Marshall teaches determining whether a first size (size of the combined address) or second size (size of the modified combined address) exceed a specified a specified size. However, in Appellant's

arguments the Appellant grossly misconstrues the teachings of Pressler-Marshall. The Appellant states that Pressler-Marshall only determines whether the size of the candidate object exceeds a predetermined criteria" (Appellant's Brief, page 9) implying that Pressler-Marshall would not apply their teaching to web addresses as suggested by the Examiner, because the Pressler-Marshall system is not capable of performing such a task. To the contrary this is clearly not the case. Pressler-Marshall explicitly recites candidate objects such as URLs ('492, column 3, lines 30-35; column 4, lines 9-16 and 30-42; column 8, lines 17-50; column/line 8/64-9/67). Therefore, the Examiner reiterates that one of ordinary skill would have recognized the benefits in combining the Bezos et al. and Pressler-Marshall teachings in order to more efficiently communicate data between a user and an intermediary (combined address) ('141, figures 5 and 6) and an intermediary and a server (modified combined address) ('141, figure 5 and 8) over the internet ('492, column 3, lines 10-58).

(12) Conclusion

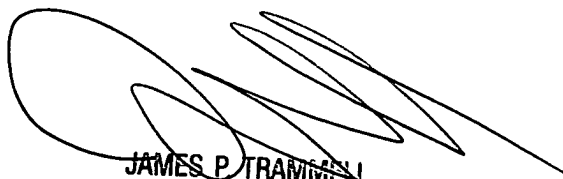
Appellant's argument's are not persuasive as they fail to consider the breadth of Appellant's claims and does not give fair credit to the level and knowledge of one of ordinary skill in the art of electronic commerce (or HTTP, or hypertext, or hyperlinks, etc.) .

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 3621

Respectfully submitted,

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August 13, 2004

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